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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**MARK M. LOWE,**

Petitioner,

**v.**

**JIMMY WALKER, Warden,**

Respondent.

C 08-005 SI (pr)

**ANSWER TO ORDER TO SHOW  
CAUSE**

Respondent provides this answer to the Order to Show Cause why the petition for writ of habeas corpus should not be granted.

**I.  
CUSTODY**

Petitioner is lawfully in the custody of Jimmy Walker, Warden of California State Prison, Sacramento, as a result of a conviction by a Contra Costa County court of continual sexual abuse of a child under 14 years of age, sodomy of a child under 14 years of age with a 10 year age difference, and 39 counts of lewd and lascivious conduct with a child under 14 years of age. The trial court sentenced petitioner to 585 years to life in prison.

**II.**

**PROCEDURAL ISSUES**

The claims in the petition are exhausted. The petition is timely within the meaning of 28 U.S.C. § 2244(d).

**III.**

**GENERAL AND SPECIFIC DENIALS**

Respondent denies that the state court's ruling was based on an unreasonable determination of fact or was contrary to or involved an unreasonable application of clearly established United States Supreme Court law. Respondent specifically denies that the trial court erred in finding petitioner competent and admitting evidence of Child Sexual Abuse Accomodation Syndrome, that petitioner was denied the effective assistance of counsel, and that petitioner was denied his Sixth Amendment rights by the imposition of upper term sentences.

**IV.**

**LODGED DOCUMENTS**

Respondent has lodged concurrently with this answer the following exhibits: (1) Clerk's Transcript (5 volumes); (2) Supplemental Clerk's Transcript (1 volume); (3) Reporter's Transcript (7 volumes); (4) Supplemental Reporter's Transcript (4 volumes); (5) Appellant's Opening Brief; (6) Respondent's Brief; (7) Appellant's Reply Brief; (8) Opinion by California Court of Appeal; (9) Petition for Review; and (10) Order denying review by California Supreme Court.

**V.**

**INCORPORATION BY REFERENCE**

Respondent hereby incorporates by reference the accompanying memorandum of points and authorities in support of this answer.

**VI.**

**CONCLUSION**

Respondent respectfully requests that the petition for writ of habeas corpus be denied.

1 Dated: July 11, 2008

2 Respectfully submitted,

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